

# **Exhibit K**

to Declaration of Matthew Hooker



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November 24, 2021

**BY ELECTRONIC MAIL AND SECURE FILE TRANSFER**

Wendy J. Weinberg  
Assistant Attorney General  
Office of Consumer Protection  
Public Advocacy Division  
Office of the Attorney General  
400 Sixth Street, NW, 10<sup>th</sup> Floor  
Washington, DC 20001

Linda Singer  
Paige Boggs  
Motley Rice LLC  
401 9<sup>th</sup> St. NW, Suite 1001  
Washington, DC 20004

**Re: Subpoena to OptumRx, Inc. Dated December 28, 2020**

Dear Wendy, Linda and Paige:

With this letter and accompanying documents, OptumRx, Inc. (hereinafter “Optum,” or “the Company”) makes its third production in response to the Subpoena dated December 28, 2020, as clarified by our various telephone calls (the “Subpoena”). For ease of reference, this production has been labeled OPTUM1220\_003, and has been Bates-numbered OPTUM1220\_0000003 – OPTUM1220\_0000004.

This production includes information responsive to Requests 2 and 9, as modified by your email of August 4, 2021, and our subsequent telephone and email communications. Specifically, this production includes a spreadsheet of the rebates, administrative fees, and price protection fees submitted by Optum to manufacturers of insulin products, and the amounts collected from those manufacturers, with respect to insulin prescriptions filled at pharmacies in the District of Columbia for 2016-2020. This production also includes a spreadsheet of transaction level data with respect to insulin prescriptions filled at pharmacies in the District of Columbia for 2016-2020. Per our

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discussions, these spreadsheets do not include PHI; as such the transactions have been assigned scrambled claim numbers for ease of linking the two spreadsheets.<sup>1</sup>

\* \* \*

The enclosed document contains or constitutes confidential business information, records, and/or trade secrets of Optum and we have branded it "CONFIDENTIAL" and are producing it pursuant to our July 1, 2021 Confidentiality Agreement with the Office of the Attorney General for the District of Columbia.

The submission of the enclosed materials does not waive, nor is it intended to waive, any rights, privileges, or immunities of Optum with respect to this matter, including any applicable attorney-client privilege, protection provided under the work-product doctrine, or other privilege or immunity that may exist. In the event of any inadvertent production of privileged materials, Optum requests that the government refrain from reviewing such materials and return the same promptly to Optum. Moreover, to the extent that non-responsive documents, pages, or information have been produced inadvertently, Optum does not agree to any expansion of the scope of your request. Optum expressly reserves any applicable privileges and immunities to which it is entitled under the law.

Please call me if you have any questions about any aspect of this letter or the enclosed document.

Sincerely,

/s/

Michelle A. Kisloff  
Partner  
Michelle.kisloff@hoganlovells.com  
D 202-637-6631

cc: Allison J. Caplis

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<sup>1</sup> As discussed, we are producing two separate spreadsheets as the requested data is maintained in two different systems.